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ABSTRACT

This article presents a documentation system that principals can use in the teacher evaluation process to help improve a teacher's performance or, if necessary, to present at a hearing to support a recommendation for termination. The documentation involves the use of several types of memoranda: (1) memoranda to the principal's file (for less significant infractions or deviations by a teacher); (2) specific incident memoranda (for recording conferences with a teacher concerning a more significant event; (3) visitation memoranda (for recording observations of teachers on the job); (4) summary memoranda (for conferences in which several incidents, problems, or deficiencies are discussed); and (5) an assessment instrument (to evaluate overall performance). Advice is also provided on the writing of clear, objective, and factually supportive memoranda and on evaluating termination options. Samples of each type of memorandum are appended, along with a sample letter that illustrates how not to handle a situation involving problem behavior by a teacher. (TE)

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Documentation ... for Teacher ... or Termination

Kelly Frels and Timothy T. Cooper

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Table of Contents

Introduction 1
The Documentation System 2
Memoranda to the File 3
Specific Incidents Memoranda 4
Visitation Memoranda 7
Summary Memoranda 7
The Assessment or Evaluation Document 8
The Close Out Memorandum 8
Documentation in General 9
Evaluating Termination Options 11
Application to Chief Executive Officers 12
Conclusion 13
Appendices
"A" Sample Memorandum to the File 13
"B" Sample Specific Incident Memorandum 14
"C" Sample Summary Memorandum (General) 16
"D" Sample Summary Memorandum (Specific Directives) 18
"E" Sample Close Out Memorandum 20
"F" Sample Letter 21

A Documentation System for Teacher Improvement or Termination

Kelly Frels and Timothy T. Cooper

Introduction

The primary objective of a school district's teacher evaluation system is to improve teachers' performance so they can become successful and contribute to the objectives of the district. If the evaluation does not produce this positive result the teacher must be replaced, either by resignation or termination. The district's evaluation system thus serves a secondary function—the removal of the unsatisfactory teacher.

Depending upon the nature of the teacher's contract with a school district, various degrees of procedural due process must be observed in relieving a person of the position if he or she does not resign. In many situations this process culminates with a hearing before the board of education to determine whether there is cause to terminate the teacher. Much has been written about the due process requirement involved in the termination process, but no attempt will be made here to review the procedural requirements necessary to effect a termination. Instead, this article will provide practical advice to principals concerning the documentation which should be generated and used in the evaluation process and presented at a hearing to support a recommendation for termination. It is important to remember that the due process rights of teachers do not shield them from termination. Incapable or insubordinate teachers can and should be terminated. Due process requirements simply prescribe procedures which must be followed in effectuating those terminations. Of course, the allowable grounds for termination will usually be enunciated in state law, the teacher's contract, and/or a collective bargaining agreement. Thus, these sources must be examined to determine the criterion under which teachers should be judged and evaluated.

In teacher termination hearings, principals are often met with the claim that there is too little documentation or evidence of help being given to the teacher, therefore, the principal has not done his or her job in working with the teacher. In other cases the claim is made that the principal has developed so much documentation that the teacher has

been harassed. At other teacher termination hearings the complaints are made that the process is unfair and that the teacher did not know what was expected in the performance of his or her duties. As a result of these attacks, there has been a noticeable unwillingness on the part of principals to bring a recommendation for termination to the board of education. In most situations, the principal recognizes that the principal, rather than the teacher, will be put on trial.

In an effort to provide support for the principal and to help ensure the fair treatment of teachers who are evaluated, a simple but effective system of documentation has been developed which can be used in conjunction with virtually any school district's evaluation system. This documentation system can be used in districts which utilize the various contractual schemes authorized by state statute. This documentation system is founded on the concept of communication, and its goal is to humanize the evaluation and documentation process with the ultimate objective of improving a teacher's performance to an acceptable level. If a teacher's performance does not improve, the system is designed to provide an incentive for voluntary resignation or, if voluntary resignation is not received, to provide the necessary documentation for the principal to have confidence in recommending the teacher's termination to the board.

This documentation system becomes an essential ingredient in preparing the district's principal not only for a hearing before the board of education, but for appeals and lawsuits filed with a state commissioner of education, an arbitrator or a court. This system can also provide the necessary documentation to sustain the termination if the teacher files a discrimination complaint with the Equal Employment Opportunity Commission or the Department of Education. Furthermore, adherence to a system of this nature can help avoid first amendment problems becoming significant issues. If there is systematic documentation of poor performance before a teacher engages in an inflammatory speech related activity, the performance deficiency may continue to be addressed as needed and termination recommended if required. In contrast, the absence of such documentation prior to a teacher's engaging in inflammatory speech related activity usually brands the teacher as legally untouchable.

The Documentation System

The documentation contemplated in a teacher evaluation system involves the use of several types of written memoranda. First, memoranda to the principal's file should be sparingly used to record less significant

infractions or deviations by a teacher. Second, specific incident memoranda should be used to record conferences with a teacher concerning a more significant event. Third, summary memoranda should be used to record conferences with a teacher in which several incidents, problems, or deficiencies are discussed. Fourth, visitation memoranda should record observations made of a teacher's on-the-job performance. Fifth, an assessment instrument should be used to evaluate the teacher's overall performance.

The documentation concerning a teacher can and should be used for several purposes. First, it enables the principal to follow a teacher's actions and performance, thus enabling the principal to pinpoint weaknesses and problem areas. Second, it enables the teacher to understand what problems he or she may have and take what corrective steps are necessary. Third, if a teacher's performance does not improve, it serves as concrete evidence to support a recommendation for termination.

The process outlined below should keep the volume of documents to a minimum and meet the need for full and complete documentation. This documentation system anticipates that a district has an evaluation system, and it attempts to take into account the practicalities of the time constraints placed on school principals. By following the suggested documentation scheme below, these goals should be attainable.

Memoranda to the File

Whenever a principal observes an incident or behavior which is not of significantly serious nature to require an immediate conference with the teacher, but which should be considered in the teacher's evaluation or at a general conference with the teacher, it is appropriate for the principal to prepare a short file memorandum. These file memoranda can be in various forms, such as a notation on a calendar or in a notebook with separate pages designated for specific individuals. These file memoranda should include the name of the teacher, the name of the principal, the date of the occurrence and the facts of the event observed. These file memoranda can be used for the following limited purposes:

1. Conference with the teacher concerning the incident or incidents.
2. Assessment of the teacher's performance.
3. Refreshing the memory of the principal for testimony at any proceeding or hearing relative to the teacher's performance if the memos have not been incorporated into summary memoranda or the evaluation documents. These file memoranda should

be used sparingly and only for minor matters. If an incident is in any way serious the specific incident memorandum should be used.

Most administrators find it counterproductive to keep the fact that these file memoranda are maintained secret from the teachers. In fact, most administrators find it is helpful to the system if the employees are made aware that these memoranda are kept and actually encourage rather than discourage the teachers from asking to review any file memoranda made concerning their performance.

Copies of these file memoranda normally need not be given to the teacher unless the teacher requests them under most states' open records acts; however, if the copies are not given to the teacher, they should not be used in a subsequent hearing in an attempt to establish facts. Actually the best practice is to incorporate the contents of these file memoranda into a summary memorandum or evaluation which is given to the teacher after a conference. If a summary memorandum includes the information contained in file memoranda, file memoranda should never have to be used again.

Even though it may not be the intention of the principal to use these documents as future evidence, or to share the file memoranda with the teacher, the memoranda should be written with the knowledge that in some future proceeding copies may actually be introduced into the proceeding or made available to the teacher through a request under most states' open records acts. For example, if file memoranda are being used to refresh a principal's memory at a hearing, in most states the attorney for the teacher is entitled to see copies of the documents. Thus, care should be taken with file memoranda, as with any other memoranda, not to write or record anything in a manner that could cause future embarrassment. A good practice is to record facts rather than conclusions in file memoranda. *See* Appendix "A" for a sample "memorandum to the file" that should be kept in a notebook.

Specific Incidents Memoranda

If the principal observes an incident or behavior, or has a complaint from a third party, it may be appropriate to send the teacher a memorandum concerning the incident. This memorandum should be sent *only* after the principal holds a conference with the teacher at which the incident is discussed and the teacher's viewpoint considered. The memo should summarize the third-party's complaint, the principal's observation(s) of action by the teacher, the teacher's response, the principal's determination, and any directives and/or reprimands to

the teacher. If the incident is so serious that termination is to be recommended immediately, the memorandum should so state. While many administrators might like to avoid talking with a teacher about an incident in the hope that it will go away, such an attitude is self-defeating and naive. These incidents should be faced head on as they occur. Thirty minutes spent when the incident occurs may provide the spark to help the teacher improve or may avoid a two-day hearing or a week-long trial at some later date.

Also, the failure to confront problems, infractions, and deficiencies at the time they occur can weaken a later case for termination. For example, suppose several incidents occur in the fall of a school year, but they are not mentioned to the teacher by the principal. An attempt to use those incidents to support a proposed termination in the spring of that school year may prove to be difficult. The teacher will claim that he or she is being treated unfairly because the reason(s) for termination were not disclosed to the teacher during the school year. Not dealing with the problems as they occur make the principal appear to be arbitrary or devious and may taint the proposal to terminate.

It is wise to have the teacher acknowledge receipt of the specific incident memorandum by signing the copy. If the teacher does not agree with the facts stated in the memorandum or the action taken, the teacher should be given the opportunity to respond in writing either on the memorandum itself or on a separate document. This can be accomplished by inviting the teacher to make a written statement concerning any differences of fact or opinion expressed by the principal in the memorandum by a certain date or within a given number of days. For example, the final paragraph of a memorandum might conclude, "If you disagree with the facts or conclusions stated in this memorandum, please advise me in writing no later than (date) so we can meet and work out any differences." By so doing, any disagreement can be noted, and the differences hopefully resolved immediately. In serious situations where the employee has proven to be recalcitrant or is of questionable veracity one might consider a final sentence such as "If you do not respond, I can only assume you agree with the facts stated in this memorandum." A statement of this nature should be used sparingly because it tends to polarize the positions of the administrator and the employee, thus making future communications very difficult.

If the specific incident concerning the teacher comes from a third party such as a parent or student, care must be taken to fully examine the facts and determine whether the third party's information is correct. It is improper and potentially disastrous to base a decision to terminate on information from a third party when the truthfulness of the allegation has not been established. Upon receiving a third party

complaint, the principal should make an investigation and conduct whatever hearings are necessary to determine whether the complaint is true. An acceptable practice to follow when one receives a complaint from a third party is to get the complaint in writing. The third party should be advised at this point that if adverse action is taken against the teacher based on this incident, the third party must be available to testify before the board, an arbitrator, or a court. If the third party will not agree to appear as a witness, other independent evidence must be available to establish the relevant facts at a hearing, otherwise action adverse to the teacher should not be taken. The next step would be to get the teacher's side of the story, and this can be accomplished in a conference with the teacher. If there is a discrepancy in the third party's story and the teacher's story, the principal should interview any witnesses and attempt to determine what occurred. It may be necessary to have the teacher confront the complainant in an informal conference to determine what actually occurred. Although the results of a polygraph test cannot be used in a termination proceeding in most states, in really serious situations a teacher might be allowed to voluntarily take a polygraph test to aid in establishing his or her innocence.

In many cases it will simply not be possible for the principal to have agreement concerning what happened, so the principal has to act as a judge and determine whose story he or she believes. If agreement can eventually be reached or if the principal has enough facts to make factual determination, a specific incident memorandum can be prepared. Such a memorandum should explain the findings made by the principal and the reasons for those findings. Specific directives or suggestions to the teacher might also be included in the memorandum if appropriate.

It is important to establish on the face of the specific incident memorandum that the teacher received a copy of the document. In teacher termination hearings, a dispute will often arise over whether the teacher ever received a copy of some document. It is essential, therefore, to have the teacher sign the memorandum acknowledging its receipt. If a teacher refuses to sign, the principal should have an adult witness present who will sign the document verifying that the teacher was given a copy of the memorandum, but refused to sign it acknowledging its receipt. It should be made clear to the teacher, either on the face of the document or orally, that his or her signature, verifying that a copy of the memorandum has been received, does not constitute agreement with its contents. As noted previously, the teacher should be given the opportunity to respond in writing to the memorandum.

Giving the teacher an opportunity to disagree with the contents of the memorandum by responding in writing puts the teacher on notice

of the facts and findings stated in the memorandum. If no disagreement is noted in writing by the teacher, a presumption is created that the contents of the memorandum accurately reflect the facts. A judge examining this situation will normally take the view that a reasonable person who received such a memorandum and who disagreed with the facts would prepare a written response to the items with which there was disagreement. If the teacher does not respond within the time stated in the memorandum, it becomes difficult to argue at a termination hearing that the teacher now disagrees with the content of the memorandum or disagreed when the memorandum was written. *See* Appendix "B" for a sample "incident memorandum."

Visitation Memoranda

In some school districts it is a common practice of principals to summarize a visit to a teacher's classroom. If visitation forms or checklists are used, or if a visitation memorandum is prepared, their content should be reviewed with the teacher, and the teacher should be given a copy. Suggestions for improvement should be made in a conference and noted in the memorandum. A visitation memorandum may be used in an eventual termination process, but the results of a visitation are normally reviewed in a summary memorandum or the assessment document.

Summary Memoranda

Summary memoranda are ideal ways to outline the results of conferences concerning several incidents, classroom visitations or a conference regarding general teacher performance. Through such memoranda, the matters referred to in the file memoranda (which may not have been given to the teacher) can be incorporated, matters not reflected in other memoranda can be reduced to writing, directives can be given to the teacher, understanding and standards can be established, and evidence that a conference was held and the subjects discussed can be established. A copy of each summary memorandum should be given to the teacher and the teacher should acknowledge receipt as with the specific incident memorandum. The teacher should be invited to and be given an opportunity to offer any differences in writing with the facts and conclusions stated in the memorandum. If a teacher disagrees and files a response, a subsequent conference should be held with a follow-up memorandum to try to resolve any differences which may exist. The same comments applicable to the specific incident memoranda are also applicable to summary memoranda, with the

major difference being that summary memoranda are designed to cover general conferences with the teacher on several matters rather than only on a specific incident.

Included as Appendix "C" is a general summary memorandum. Appendix "D" is a summary memorandum which includes more specific directives and warns the employee that a failure to comply with the directives could result in termination.

The Assessment or Evaluation Document

The assessment or evaluation of performance document should be completed as prescribed by the policies and procedures of the district. A summary narrative or memorandum should be considered for each negative assessment noted in the document. This can be done on the assessment document or on an attachment to the evaluation itself. If the assessment is such that the teacher might be terminated if no improvement is shown, the teacher should be advised that failure to improve could result in a recommendation for termination. Furthermore, it is wise to include instructions or specific directions for improvement. Such a practice not only is helpful to the teacher, but also strengthens the argument that the teacher has been treated fairly if the principal's actions are later questioned. Through the use of such evaluation documents, the teacher will be put on notice that he or she has deficiencies which could result in a proposal to terminate should those deficiencies not be remedied according to the instructions given for improvement. All identified deficiencies of the teacher, as well as any problems which have been encountered during the assessment period, should be included in the assessment document. If a deficiency from previous years has not been remedied by the teacher, it should also be noted in the assessment.

In order to avoid difficulties with ratings on the evaluation, a teacher should not be rated highly or too positively when he or she is initially employed or assigned to a school; rather, a straightforward and truthful evaluation should be made. It is much easier to raise evaluations in subsequent years than it is to lower high ones. Furthermore, a fair system of evaluation requires the setting of standards and expectations at the beginning of the school year with the principal following through with the implementation of those standards through the evaluation process.

The Close Out Memorandum

Occasionally, a teacher will write a response to the memorandum if he or she disagrees with the facts or directives set out. When this

occurs, it is incumbent on the principal to hold a conference with the teacher and work out any differences. The results of this follow up conference should be memorialized in a specific incident or summary memorandum sent by the principal. If the communication in the conference is effective and is properly reflected in the memorandum, a teacher will rarely have the occasion to respond again. However, a further response from the teacher does sometimes result and another conference may be necessary. At some point, however, the memorandum writing must be brought to a close, and, in normal circumstances, the sending of the follow up memorandum to this conference may be an appropriate time. A close out memorandum like the example in Appendix "E" can be written. The language inviting a response from the teacher is deleted, and the teacher is advised that the matter should be considered closed.

Documentation in General

In preparing any memorandum, reliance should be made on the facts, and conclusionary statements not supported by the facts should be avoided. For example, in a classroom visitation memorandum, the recitation that the teacher's classroom was "disorderly," without any explanation, is not very specific or effective. Rather, the principal should note that he or she saw three children in the classroom talking during class and saw one child playing in the back of the room. The principal should note that these acts were unnoticed by the teacher or were not corrected by the teacher. Furthermore, inflammatory words should not be used. For example, rather than to characterize an action as "insubordination," the action should be factually described, and the teacher's action should be referred to as failure to comply with official directives and school board policy.

It is the quality of the memorandum and not the quantity of words or the number of pages that counts. Directives given in a memorandum should be direct, to the point, and educational jargon should be avoided. For example, when directing a sometimes tardy teacher to arrive at school on time, state: "You are required to be at school by (time) and you will be expected to have signed in by that time," rather than, "You are required to be at school on time." Instead of directing that: "Your lesson plans are due once a week," one might state, "Your lesson plans are due in my box by 4 p.m. on each Friday, and I expect you to have them there beginning this Friday." When written in a constructive atmosphere, precise directives like these tend to clear the air and avoid real or imagined confusion about what is expected.

The specific incident memorandum, the summary memorandum, the visitation memorandum and the assessment document should be written in the first person and personalized as much as possible. The use of "we" or "they" should be avoided unless two or more persons are involved and then the others should be identified by name. The key to the success of this documentation system is to provide an opportunity for the principal and the teacher to sit down and mutually work out the problem and determine the future actions of the teacher.

Care should be taken to treat all teachers alike, especially when dealing with absences and tardies. It is destructive and embarrassing to have a teacher's attorney present a school's sign-in sheet at a hearing to show that other teachers have more tardies and more absences than the teacher who is being proposed for termination for excessive tardies and absences.

Another thought to keep in mind is that one should never write a memorandum to a teacher when one is angry. It is much better to reflect for a day or so or to call in a third party to review a memorandum prior to sending it in circumstances where the administrator is angry or personally involved. By doing so, the principal can avoid statements which might later be regretted. In order to be effective, however, any memorandum must be prepared and sent to the teacher soon after the incident and the subsequent conference occurs. Under no circumstances should a memorandum be prepared after the decision to terminate has been made and backdated to reflect the incident upon which the proposed termination will be based.

As in all teacher matters, the evaluator should be careful to ensure that the teacher feels he or she has been fairly treated. One should remember that, if the teacher's performance does not improve and a recommendation for termination is made, the fairness of the process will be judged by the members of the board, and possibly eventually the state's commissioner of education, an arbitrator or a judge. In evaluating whether a teacher has been treated fairly, one should attempt to view it from the perspective of the hypothetical, reasonable person who, after receiving all the facts, determines whether the process was fair. Another helpful standard for judging fairness is for the principal to treat the teacher as the principal would like to be treated if he or she were in the same circumstances.

By following the procedure outlined above, the only documents which would normally be used as documentary evidence at a termination hearing would be the summary memoranda and the evaluation or assessment instruments. Occasionally, specific incident and visitation memoranda would be included; however, these specific incident and visitation memoranda should normally be reviewed and included in a

subsequent summary memorandum or evaluation instrument. If the teacher does not receive a copy of a memorandum to the file, it should not be used as evidence at a hearing, but should be used only to refresh the principal's memory while testifying concerning the specific facts of an event. Again, if summary memoranda properly reflect the incidents recorded in the file memoranda, the file memoranda should never have to be referred to again.

Attached as Appendix "F" is an example of how *not* to write a memorandum or letter. Appendix "F" violates many of the principles of documentation reviewed above.

Evaluating Termination Options

If the teacher's performance does not improve to an acceptable level or if the teacher does not comply with administrative directives and board policies, the principal will have to determine whether to recommend that the teacher be terminated. Before a final recommendation is made to the board concerning a teacher's contractual status, the principal and his or her supervisor should hold a conference with the teacher. The teacher should be confronted with his or her inadequacies or problems and be given an opportunity to explain his or her position. This is a hedge against misunderstandings of the basic reasons for the proposed termination, and it offers the teacher a chance to present his or her side before a final recommendation for termination is made to the board. This will give the principal and the supervisor an opportunity to consider any additional facts or viewpoints a teacher may present, examine the situation more closely, and determine whether termination is the proper alternative. If there is actually a personality conflict between the principal and teacher, rather than a professional performance problem, a transfer to another school or department might be appropriate.

If it is determined in the conference with the teacher that there is not sufficient evidence to support a termination or the principal's supervisor feels the teacher can improve and become successful, a recap and summary memorandum of the conference can be prepared setting out specific standards and directives for the teacher to follow. In many cases, it will be appropriate to give the teacher specific directives and cite the teacher to specific policies which, if violated, could result in a recommendation for immediate termination in the future.

If, after hearing the teacher's side of the story, the administration decides to go forward with the recommendation for termination, the teacher can be advised of this and offered an opportunity to resign. Care must be taken not to force the teacher to resign and if there are other consequences of resignation such as the forfeiture of future

employment opportunities, then conditions should be made clear. To help avoid constructive discharge claims, the teacher should be advised of the right to a hearing before the board (if applicable under the contract, board policies, or state law) should the teacher choose not to resign. A resignation must be voluntary, and it is for this reason that it is advisable to have the principal's supervisor present at the meeting so any discussions concerning resignation can be witnessed. Allowing the teacher an opportunity to resign provides a professionally accepted escape prior to the recommendation for termination going to the board.

If, after the conference with the teacher, the principal and the supervisor determine that a termination recommendation should be made, it should be prepared. When the recommendation is made, the principal and the supervisor should also submit an appropriate notification letter of proposed termination for review by the school attorney. The principal and the supervisor should also prepare at this time, again for approval by the school attorney, the notice of reasons supporting the proposed termination, and a list of witnesses together with their testimony which will be presented if the teacher requests a hearing before the board. The documents which support the reasons for the proposed termination should also be submitted at this time. The preparation of these letters and the gathering together of the documents in advance of presenting the proposed termination to the board will aid the principal in evaluating all facts and in determining whether a termination recommendation really should be made. This system also helps ensure that the administrator remains in control of the employment situation, and it also helps the administrator develop confidence in his or her actions and personnel procedures.

Application to Chief Executive Officers

The documentation system outlined above is equally applicable to the district's chief executive officer, the superintendent. Normally when a board of trustees is dealing with the superintendent on a specific incident, on a number of items or in an evaluation setting, the board president will assume the leadership role the principal or superintendent would normally occupy. Many boards have found it helpful to meet in executive session and discuss the items to be reviewed with the superintendent prior to having the superintendent join the board meeting. After discussing the matters with the superintendent, the board president should have the appropriate memorandum or assessment document prepared and sent to the superintendent on behalf of the board. The major difference in applying this system to the superintendent is that seven, nine or some other number of board members, rather than one person, are involved in the communications.

Conclusion

Like all other personnel techniques, this simple system of documentation is not fail-safe. It must be implemented by humans, and it is subject to error. This system does, however, provide an opportunity for a principal to effectively communicate with teachers and develop the proper documentation for improvement or termination. In working with this system, the members of the board of education, the state commissioner of education, arbitrators or judges will evaluate the termination recommendation on the basis of fairness and reasonableness. In the implementation of this system, a principal should be guided by the standard of treating the teacher as the principal would like to be treated if he or she were in the teacher's position and the establishment of circumstances where the employee can maintain his or her personal dignity.

Appendix "A"

SAMPLE MEMORANDUM TO THE FILE

Teacher: Willie Makit

School: Miracle High

Grade: 8th

Subjects: Health & Sex Education; American History

9/20/84	Did not sign in upon arriving at school. Arrived at 8:10—20 minutes late. (P.P.)
9/26/84	In hallway near cafeteria at lunchtime. Did not challenge student who was in hall without permit. (P.P.)
10/2/84	Talking with Bettie Wont in his classroom 45 minutes after school out with door closed. (P.P.)
10/3/84	Talking with Bettie Wont in classroom 30 minutes after school out. No other students around and door open. (P.P.)
10/9/84	Arrived 10 minutes late to school. Did not sign in until being reminded to do so by secretary Ida Spy. (P.P.)
10/10/84	Failed to turn in weekly lesson plans by 4 p.m. (P.P.)
10/17/84	Failed to turn in weekly lesson plans by 4 p.m. (P.P.)
10/21/84	Arrived 20 minutes late to school. (P.P.)
10/27/84	Did not sign in upon arrival. Secretary Ida Spy said arrived about 5 minutes late. (P.P.)
11/1/84	Failed to turn in weekly lesson plans by 4 p.m. (P.P.)

Appendix "B"

SAMPLE SPECIFIC INCIDENT MEMORANDUM

To: Willie Makit

From: Paul Principal

Date: October 23, 1984

Re: Allegation of misconduct by Mrs. Harvey Wont, Mother of Bettie Wont, Student

You will recall that Mrs. Wont called me on October 20, 1984, to complain that you had molested her daughter, Bettie, while you were visiting their home one afternoon after school. No one else was at their home besides you and Bettie. Specifically, Mrs. Wont alleged that Bettie stated that you embraced her and then began fondling her private parts while suggesting that the two of you become "better acquainted" upstairs.

I called you in on October 21, 1984, to discuss the matter with you. You told me that you had not molested Bettie in any way and had made no suggestions to her concerning getting "acquainted." You told me that you had taken Bettie to her home that afternoon, but only because Bettie requested that you do so. You also told me that the reason for taking Bettie home was because she was very upset about not making the cheerleading squad and seemed to want someone to talk with. I asked you about the times I had seen you in your classroom with Bettie after school was dismissed. You responded that you had, in fact, on several occasions counseled her about various matters and that she had come to regard you as a friend and confidant. In regard to the specific alleged incident, you stated that you and Bettie had been talking and that you were ready to leave, when she came over and embraced you. She then told you she loved you and wanted you to stay with her. You said you told her that you could not do so and left.

On October 22, 1984, I had a conference with Mrs. Wont, you and Bettie. After a long discussion and after careful questioning, Bettie admitted that you had, in fact, not molested her or made suggestions to her. She said she was angry at you for not staying with her, so she told her mother those things. Mrs. Wont apologized for the incident, as did Bettie.

Based upon this investigation, I have determined that you did not in any way molest Bettie Wont. However, I do find that your conduct in this matter is not totally in keeping with proper professional standards. You are surely aware that girls of Bettie's age are very impressionable. You should be very careful in your relations with female students not to encourage any infatuations they may hold. Furthermore, unless absolutely essential, you should avoid driving a female student home without someone else being present. More importantly, to avoid situations like this from arising, you should avoid visiting a female student in her home when her parents are not there. I will expect you to abide by these directives. I am also transferring Bettie from your Health and Sex Education Class into Felix Feelgood's class. Because of this incident, I think both of you will be more comfortable with this move.

If you disagree with the facts or conclusions stated as directives in this memorandum, please advise me in writing no later than ____(Date)___, so we can meet and work out any differences.

/s/ _____
Paul Principal

I have received a copy of this memorandum.

/s/ _____ _____
Willie Makit (Date)

Appendix "C"

SAMPLE SUMMARY MEMORANDUM (GENERAL)

To: Willie Makit

From: Paul Principal

Date: November 6, 1984

Re: Conference—November 5, 1984

You will recall that on November 5, 1984, you and I had a conference concerning several aspects of your performance as a teacher. We discussed these topics:

1. Preparation and submission of lesson plans;
2. Arrival time for work; and
3. Teacher-student relations.

First, we discussed the fact that you have failed to turn in your weekly lesson plans by 4:00 p.m. on three occasions: October 10, 1984, October 17, 1984, and November 1, 1984. As we discussed, this is a very important part of your job as an educator. You told me you will make sure that your plans are on time from now on. I expect your lesson plans to be in my box by 4:00 p.m. every Friday beginning this Friday.

Second, we discussed several tardies and failures to sign in upon arrival at school. Specifically, you have arrived late on September 20, 1984, October 9, 1984, October 21, 1984, and October 27, 1984. You failed to sign in on September 20, 1984 and October 27, 1984, and had to be reminded to sign in on October 9, 1984. We discussed the importance of prompt arrival, and I directed you to arrive on time in the future. You will be expected to be at school at 7:50 a.m. each school day and to sign in.

Third, we discussed your failure to challenge a student who was in the hallway without a permit on September 26, 1984. You informed me that because you were new to the building you did not realize that students needed hall permits during lunch hour. As I showed you, that rule is included in the Faculty Handbook. In the future, you will be expected to be fully apprised of all the rules in that book.

Fourth, we once again discussed the incident involving Bettie Wont. Our discussion was a short version of our October 23, 1984 conference, and I repeated the directives I gave to you at that time concerning conduct with pupils of the opposite sex.

Mr. Makit, I appreciate your cooperative attitude concerning the correction of these matters. If you disagree with the facts or conclusions stated in this memorandum, please advise me in writing no later than _____(Date)_____, so we can meet and work out any differences.

/s/ _____
Paul Principal

I have received a copy of this memorandum.

/s/ _____ _____
Willie Makit (Date)

Appendix "D"

SAMPLE SUMMARY MEMORANDUM
(SPECIFIC DIRECTIVES)

To: Willie Makit

From: Paul Principal

Date: May 5, 1986

Re: Conference of May 1, 1986

Over the past two years you and I have discussed your performance as a teacher at Miracle High. We have had numerous conferences to discuss specific incidents which have arisen as well as our scheduled assessment conferences. As we neared the end of this school year it became apparent to me that you were continuing to experience difficulties in complying with directives and in meeting the school district's standards in certain instructional and non-instructional areas. With this in mind we had a conference in my office on May 1, 1986, to discuss your performance. At that conference we discussed the following areas, and I gave you specific directives for improvement.

1. Preparation and submission of lesson plans. Since your arrival two years ago, you have experienced difficulty in submitting lesson plans in a timely fashion. You have acknowledged this on prior occasions such as in our conferences of November 5, 1984, March 16, 1985 and September 30, 1985. In this conference you again acknowledged this was a problem, but you stated that your night classes at graduate school kept you from consistently completing the lesson plans on time. You stated that you felt this was a legitimate excuse. I explained to you that, while taking further coursework was a good thing, its demands do not excuse failure to meet the requirements of your job. I advised you that I must have the clearly written and completed lesson plans in my box by 4:00 p.m. every Friday.

2. Teacher-student relations. This is another area of historical difficulty. We discussed your initial failure to challenge a student for a hall pass on November 5, 1984, your failure to discipline students for setting fire to a trash can in your room on January 15, 1985, and your disruptive classes which caused Mr. Teacher and Ms. Teacher to complain on numerous occasions in the spring of 1985. We discussed these incidents in detail at your evaluation conference on March 10,

1985. You have acknowledged that these incidents occurred and have promised to make corrections, but you continue not to ask students in the hall for passes (January 6 and 25, 1985 and April 1, 16 and 25, 1986) and your classes have continued to be distractive to other teachers and students. As we discussed, these types of incidents and your failure to deal with them cannot continue. You must make the necessary corrections immediately.

3. Classroom work and the issuance of grades. As we discussed this is the most serious problem you have as a teacher. On four 9 week periods you were from 1 to 2 days late in getting your grades into my office (October 15, 1984, April 1, 1985, October 17, 1985 and March 30, 1986). After each of these incidents I conferenced with you, and, once again, you blamed your night classes for the delay. I once again explained that that reason was not sufficient. In the latter of these conferences, April 2, 1986, you acknowledged that you had no daily or test grades for Health Education Period 1 and only 2 grades for Health Education Period 3. As has been explained at the first faculty meeting of each year and as contained on page 6 of the Faculty Handbook you must have at least 6 daily grades and 2 test grades for each 9 weeks reporting period. I specifically directed you to comply with these requirements.

Mr. Makit, the situation is serious. As I told you, I recommended your employment for the 1986-87 school year only because of your assurances that you will correct these deficiencies and follow these directives and school board policy. You have been given a growth plan in connection with your assessment, and numerous aids have been made available to you. As you and I discussed, I want this to work out so you become a successful teacher and that you continue to teach here. However, if you fail to follow any of the directives we discussed at our conference and which I have outlined in this memorandum, I will have no choice but to recommend that your employment with the district be terminated immediately.

If you have any questions concerning these directives or if you disagree with the facts or conclusions stated in this memorandum, please advise me in writing no later than ___(Date)___, so we can meet and work out any differences.

/s/ _____
Paul Principal

I have received a copy of this memorandum.

/s/ _____ _____
Willie Makit (Date)

Appendix "E"

SAMPLE CLOSE OUT MEMORANDUM

MEMORANDUM

To: Ms. I. M. Blue, Teacher

From: Ms. Paula Principal

Date: April 25, 1986

Re: Follow-up to our conference, April 20, 1986

As you will recall, Mr. Mack Beth, Head of the English Department, and I met with you on April 20, 1986, to answer the questions posed in your memo of April 10, 1986. In your memo, you responded to your evaluation for the year. We discussed your feelings and perceptions concerning the problems you are having complying with the various clerical duties which are attendant to any teaching position. We also discussed your problems with attendance and leaving classes. In that conference, you seemed to emphasize that this had been a "bad year" in your life personally. Your discussion led us to believe that you wished to put this year behind you and start anew. You indicated that you did not disagree with our prior evaluations, but felt that your side of the story should be told.

Given that, Mr. Beth and I want to assure you that your compliance with the performance expectations that we have discussed with you in previous conferences and in conjunction with your evaluation should result in a healthy, productive work situation next year. Briefly, those performance objectives are the ones addressed in our previous conferences and evaluation: (1) Inform the administration exactly how long you will be out when you expect to be absent. (2) Call in every day when you are out and complete the leave form when you return. (3) Follow the official work schedule, including your planning period. (4) Complete lesson plans on a weekly basis.

These directives are, of course, set out in more detail in our memoranda of December 20, 1985, and March 15, 1986. We feel that this is a good time to conclude all of this so we can end the year on a positive note and look foward to next year.

We hope you will have an enjoyable summer, and we look forward to working with you in the fall.

Very truly yours,

Ms. Paula Principal

cc: Personnel File
Asst. Supt. of Personnel
Mr. Mack Beth

Appendix "F"

SAMPLE LETTER

(This is an example of how *not* to handle a situation)

April 1, 1986

Ms. Tired Teacher
XYZ Street
Houston, Texas 77000

Dear Ms. Teacher:

It was reported to me yesterday by Mr. Paul Principal that you verbally assaulted him and tried to provoke a fight. Mr. Principal was quietly sitting in his office when you barged in and began yelling at him about the suspension of your grandson for fighting. He tried to be nice to you, but you would not listen. You cursed Mr. Principal then threw a notebook at him, barely missing his hand.

This unprofessional conduct on your part is unbelievable, and it is certainly action that an older woman like you should not do. I am directing Mr. Principal to include this incident of unprofessionalism in your personnel file. If you do something stupid like this again, it will be your last act of a teacher in this district.

Sincerely yours,

Super Superintendent

cc: All School Board Members